

BEFORE THE  
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PUBLIC UTILITIES  
COMMISSION

2009 JAN -6 P 1:28

FILED

In the Matter of the Application of )  
HAWAIIAN ELECTRIC COMPANY, INC. )  
For Approval of Rate Increases and )  
Revised Rate Schedules and Rules. )

DOCKET NO. 2008-0083

DEPARTMENT OF DEFENSE'S  
SUBMISSION OF PROTECTIVE AGREEMENTS  
PURSUANT TO NOVEMBER 21, 2008  
PROTECTIVE ORDER

AND

CERTIFICATE OF SERVICE

RICHARD CARLILE  
Associate Counsel (Code 09C)  
Naval Facilities Engineering  
Command, Pacific  
258 Makalapa Drive, Suite 100  
Pearl Harbor, HI 96860-3134  
Telephone (808) 472-1195

ATTORNEY FOR  
DEPARTMENT OF DEFENSE


BEFORE THE  
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of	)	
	)	
HAWAIIAN ELECTRIC COMPANY, INC.	)	DOCKET NO. 2008-0083
	)	
For Approval of Rate Increases and	)	
Revised Rate Schedules and Rules.	)	
	)	

DEPARTMENT OF DEFENSE'S  
SUBMISSION OF PROTECTIVE AGREEMENTS  
PURSUANT TO NOVEMBER 21, 2008  
PROTECTIVE ORDER

COMES NOW, DEPARTMENT OF DEFENSE, by and through its undersigned attorney, pursuant to Section 14 of November 21, 2008, Protective Order filed in this matter on November 21, 2008, and hereby submits copies of the agreement attached as Exhibit A to Protective Order, executed by Maurice Brubaker, Donna Agers, Stephen G. Hilll, Ralph C. Smith, Dawn Bisdorf, Tina Miller, Mark S. Dady, Kathleen Kerry Niemiec, and Richard Carlile.

DATED: Honolulu, Hawaii, January 6, 2009.

  
\_\_\_\_\_  
RICHARD CARLILE  
Associate Counsel (Code 09C)  
Naval Facilities Engineering Command,  
Pacific  
258 Makalapa Drive, Suite 100  
Pearl Harbor, HI 96860-3134  
Telephone (808) 472-1195

ATTORNEY FOR  
DEPARTMENT OF DEFENSE

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, Maurice Baubaker, have been presented with a copy of the Protective Order filed by the Public Utilities Commission in Docket No. 2008-0083 on the 4 day of December, 2008 ("Protective Order").

2. I am employed, retained or assisting DOD in Docket No. 2008-0083, am a "Qualified Person" pursuant to Paragraph 12 of the Protective Order, and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist DOD as provided for in paragraph 15 of the Protective Order (and paragraph 17 in the case of rendering assistance to the Consumer Advocate), and that I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person unless otherwise permitted by the Protective Order.

4. I further understand that at the conclusion of my assistance to DOD, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to HECO, and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

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RECEIVED

5. I hereby certify that I have read the above-mentioned Protective Order  
and agree to abide by its terms and conditions.

DATED at 12/5/08

M. Brubaker

Signature

Maurice Brubaker

Brubaker & Associates, Inc.  
16690 Swingley Ridge Road, Suite 140  
Chesterfield, MO 63017

Address

(636) 898-6725

Telephone Number

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, Donna Agers, have been presented with a copy of the Protective Order filed by the Public Utilities Commission in Docket No. 2008-0083 on the 4 day of December, 2008 ("Protective Order").

2. I am employed, retained or assisting DOD in Docket No. 2008-0083, am a "Qualified Person" pursuant to Paragraph 12 of the Protective Order, and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist DOD as provided for in paragraph 15 of the Protective Order (and paragraph 17 in the case of rendering assistance to the Consumer Advocate), and that I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person unless otherwise permitted by the Protective Order.

4. I further understand that at the conclusion of my assistance to DOD, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to HECO, and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

5. I hereby certify that I have read the above-mentioned Protective Order  
and agree to abide by its terms and conditions.

DATED at 12/5/68

Donna Agers  
Signature

Donna Agers

Brubaker & Associates, Inc.  
16690 Swingley Ridge Rd., Ste 140  
Chesterfield, MO 63017  
Address

(636) 898-6725  
Telephone Number

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, Stephen G. Hill, have been presented with a copy of the Protective Order filed by the Public Utilities Commission in Docket No. 2008-0083 on the 7<sup>th</sup> day of December, 2008 ("Protective Order").

2. I am employed, retained or assisting D.V.D. in Docket No. 2008-0083, am a "Qualified Person" pursuant to Paragraph 12 of the Protective Order, and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist the Department of Defense as provided for in paragraph 15 of the Protective Order (and paragraph 17 in the case of rendering assistance to the Consumer Advocate), and that I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person unless otherwise permitted by the Protective Order.

4. I further understand that at the conclusion of my assistance to the Department of Defense, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to Dr. Kay Davadi HECO, and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

5. I hereby certify that I have read the above-mentioned Protective Order  
and agree to abide by its terms and conditions.

DATED at December 7<sup>th</sup>, 2008

Stephen G. Hill  
Signature

Hill Asruaks

PO Box 587

Barriane WV 25526  
Address

(304) 562-3645  
Telephone Number



EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, the undersigned, have been presented with a copy of the Protective Order filed by the Public Utilities Commission in Docket No. 2008-0083 on the 21 day of November, 2008 ("Protective Order").

2. I am employed, retained or assisting Navy/DOD in Docket No. 2008-0083, am a "Qualified Person" pursuant to Paragraph 12 of the Protective Order, and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist Navy/DOD as provided for in paragraph 15 of the Protective Order (and paragraph 17 in the case of rendering assistance to the Consumer Advocate), and that I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person unless otherwise permitted by the Protective Order.

4. I further understand that at the conclusion of my assistance to Navy/DOD, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to HECO, and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

5. I hereby certify that I have read the above-mentioned Protective Order  
and agree to abide by its terms and conditions.

DATED at 12-4-2008.

Ralph C. Smith

Signature

Ralph C. Smith

Larkin & Associates PLLC

15728 Farmington Road

Livonia, MI 48154

Address

(734) 522-3420

Telephone Number

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, the undersigned, have been presented with a copy of the Protective Order filed by the Public Utilities Commission in Docket No. 2008-0083 on the 21 day of November, 2008 ("Protective Order").

2. I am employed, retained or assisting Navy/DOD in Docket No. 2008-0083, am a "Qualified Person" pursuant to Paragraph 12 of the Protective Order, and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist Navy/DOD as provided for in paragraph 15 of the Protective Order (and paragraph 17 in the case of rendering assistance to the Consumer Advocate), and that I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person unless otherwise permitted by the Protective Order.

4. I further understand that at the conclusion of my assistance to Navy/DOD, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to HECO, and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

5. I hereby certify that I have read the above-mentioned Protective Order  
and agree to abide by its terms and conditions.

DATED at 12-4-2008.

Dawn Bisdorf

Signature

Dawn Bisdorf

Larkin & Associates PLLC

15728 Farmington Road

Libonia, MT 48154

Address

(734) 522-3420

Telephone Number

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, The undersigned, have been presented with a copy of the Protective Order filed by the Public Utilities Commission in Docket No. 2008-0083 on the 21 day of November, 2008 ("Protective Order").

2. I am employed, retained or assisting Navy/DOD in Docket No. 2008-0083, am a "Qualified Person" pursuant to Paragraph 12 of the Protective Order, and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist Navy/DOD as provided for in paragraph 15 of the Protective Order (and paragraph 17 in the case of rendering assistance to the Consumer Advocate), and that I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person unless otherwise permitted by the Protective Order.

4. I further understand that at the conclusion of my assistance to Navy/DOD, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to HECO, and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

5. I hereby certify that I have read the above-mentioned Protective Order  
and agree to abide by its terms and conditions.

DATED at 12-4-2008.

Tina Miller

Signature

Tina Miller

Larkin & Associates PLLC

15728 Farmington Road

Libonia, MT 48154

Address

(734) 522-3420

Telephone Number

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, the undersigned, have been presented with a copy of the Protective Order filed by the Public Utilities Commission in Docket No. 2008-0083 on the 21 day of November, 2008 ("Protective Order").

2. I am employed, retained or assisting Navy/DOD in Docket No. 2008-0083, am a "Qualified Person" pursuant to Paragraph 12 of the Protective Order, and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist Navy/DOD as provided for in paragraph 15 of the Protective Order (and paragraph 17 in the case of rendering assistance to the Consumer Advocate), and that I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person unless otherwise permitted by the Protective Order.

4. I further understand that at the conclusion of my assistance to Navy/DOD, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to HECO, and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.



5. I hereby certify that I have read the above-mentioned Protective Order and agree to abide by its terms and conditions.

DATED at 12-4-2008

  
\_\_\_\_\_  
Signature

MARK S. DADS

Larkin & Associates PLLC

15728 Farmington Road

Libonia, MT 48154  
Address

(734) 522-3420  
Telephone Number



EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, the undersigned, have been presented with a copy of the Protective Order filed by the Public Utilities Commission in Docket No. 2008-0083 on the 21 day of November, 2008 ("Protective Order").

2. I am employed, retained or assisting Navy/DoD in Docket No. 2008-0083, am a "Qualified Person" pursuant to Paragraph 12 of the Protective Order, and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist Navy/DoD as provided for in paragraph 15 of the Protective Order (and paragraph 17 in the case of rendering assistance to the Consumer Advocate), and that I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person unless otherwise permitted by the Protective Order.

4. I further understand that at the conclusion of my assistance to Navy/DoD, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to HECO, and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

5. I hereby certify that I have read the above-mentioned Protective Order  
and agree to abide by its terms and conditions.

DATED at 12-4-2008

Kathleen Kerry Niemiec  
Signature

Kathleen Kerry Niemiec

Larkin & Associates PLLC

15728 Farmington Road

Libonia, MT 48154  
Address

(734) 522-3420  
Telephone Number

EXHIBIT A

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

PROTECTIVE AGREEMENT

1. I, Richard Carlile, have been presented with a copy of the Protective Order filed by the Public Utilities Commission in Docket No. 2008-0083 on the 30th day of December, 2008 ("Protective Order").

2. I am employed, retained or assisting the Department of Defense in DOCKET No. 2008-0083, am a "Qualified Person" pursuant to Paragraph 12 of the protective Order, and have requested review of the confidential information covered by the Protective Order.

3. I understand the confidential information covered by the Protective Order is to be used solely to assist the Department of Defense as provided for in paragraph 15 of the Protective Order (and paragraph 17 in the case of rendering assistance to the Consumer Advocate), and that I am to make no other use of the confidential information, nor am I to disclose the confidential information to any other person unless otherwise permitted by the Protective Order.

4. I further understand that at the conclusion of my assistance to the Department of Defense, I shall account for each copy, extract, note and summary of, or other document containing any part of such confidential information to Hawaiian Electric Co., Inc., and I shall abide by the provisions in paragraph 28 of the Protective Order, unless otherwise permitted by paragraphs 29 and 30 of the Protective Order.

5. I hereby certify that I have read the above-mentioned Protective Order and agree to abide by its terms and conditions.

Dated at January 5, 2008

  
Signature

NAVFAC Pacific

258 Makalapa Drive, Suite 100

Pearl Harbor, HI 96860-3134  
Address

(808) 472-1195  
Telephone Number

CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing document was duly served upon the following parties, by personal service, hand-delivery, and/or U.S. mail, postage prepaid, and properly addressed pursuant to HAR sec. 6-61-21(d).

Ms. Catherine P. Awakuni  
Executive Director  
Division of Consumer Advocacy  
Department of Commerce and Consumer Affairs  
P. O. Box 541  
Honolulu, HI 96809

2 Copies


Darcy L. Endo-Omoto  
Vice President - Government and Community Affairs  
Hawaiian Electric Company, Inc.  
P. O. Box 2750  
Honolulu, HI 96840-0001

Mr. Dean K. Matsuura  
Manager - Regulatory Affairs  
Hawaiian Electric Company, Inc.  
P. O. Box 2750  
Honolulu, HI 96840-0001

Thomas W. Williams, Jr., Esq.  
Peter Y. Kikuta, Esq.  
Damon L. Schmidt, Esq.  
Goodsill Anderson Quinn & Stifel  
Alii Place, Suite 1800  
1099 Alakea Street  
Honolulu, HI 96813

Counsel for Hawaiian Electric Company, Inc.

DATED: January 6, 2009, Honolulu, Hawaii

  
\_\_\_\_\_  
RICHARD CARLILE  
Associate Counsel  
Naval Facilities Engineering Command,  
Pacific